

**MINUTES OF MEETING OF APRIL 20, 2016  
AMENDED**

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, April 20, 2016 and was called to order at 7:30 p.m. by Christopher Stracco.

**SUNSHINE LAW STATEMENT:**

Under the provisions of the Open Public Meetings Act, adequate notice of this meeting was provided by posting notice on the Township bulletin board and by e mailing notice to the New Jersey Herald and The Express-Times.

**ROLL CALL:**

Those present were: Deputy Mayor Christopher Stracco, Committeeman Frank Desiderio, Committeeman Alan DeCarolis, Attorney Edward Wacks, CFO Danette Dyer and Acting Clerk Donna Zilberfarb.

**EXECUTIVE SESSION:**

**MINUTES:**

The minutes of the March 16, 2016 regular meeting were approved on a motion by Mr. DeCarolis, seconded by Mr. Desiderio. All were in favor.

The minutes of the March 16, 2016 executive session meeting were approved on a motion by Mr. DeCarolis, seconded by Mr. Desiderio. All were in favor.

**PROCLAMATIONS:**

**Older Americans Month - MAY 2016** **Whereas**, the month of May is traditionally designated by the U.S. Department of Health and Human Services as Older Americans Month; and **Whereas**, the theme for Older Americans Month 2016 is "Blaze a Trail" to acknowledge how older adults are discovering new interests and becoming involved in new activities, are giving back to their communities and setting an example for future generations; and **Whereas**, the older residents of Frelinghuysen Township have made countless contributions and sacrifices to ensure a better life for our residents; and **Whereas**, Frelinghuysen Township is committed to raising awareness about issues facing older Americans and helping all individuals to thrive in communities of their choice for as long as possible; and **Whereas**, Frelinghuysen Township encourages and supports all efforts that help our older residents take control of their health, safety and well-being. **Now therefore**, Frelinghuysen Township does hereby proclaim May 2016 to be Older Americans Month in Frelinghuysen Township. Residents of all ages are encouraged to take time this month to recognize our older citizens as vital contributors who enhance every aspect of our community. Dated this 20th day of April, 2016 Christopher Kuhn, Mayor. Motion was made by Mr. Desiderio seconded by Mr. DeCarolis. All were in favor.

**BUDGET:**

Motion was made by Mr. Desiderio to open to the public, seconded by Mr. DeCarolis

Mr. Stracco explained the overall budget being \$1,461,109 and explained that it has decreased by \$31,533 from 2015. This years municipal tax rate is .227 and explained that 2015 it was .222. Mr. Stracco stated the annual increase would be \$16.03 for the average assessed home. He explained that the primary reason for the increase in tax is loss of revenue available.

Motion was made by Mr. DeCarolis to close to the public, seconded by Mr. Desiderio. Motion was made by Mr. Desiderio to adopt the 2016 budget, seconded by Mr. DeCarolis. Roll call vote: Mr. Desiderio-Yes; Mr. DeCarolis-Yes; Mr. Stracco-Yes. Vote 3-0.

**ORDINANCES:**

2016-04 AN ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN AND STATE OF NEW JERSEY AMENDING SALARIES FOR THE YEAR

2016 WHEREAS, an ordinance of the Township of Frelinghuysen fixing salaries for the year 2016 was adopted on March 16, 2016, AND WHEREAS, it is the desire of the Mayor and Township Committee to amend said Ordinance, BE IT ORDAINED, by the Mayor and Township Committee of the Township of Frelinghuysen, County of Warren and State of New Jersey that the annual, monthly or hourly salaries of the elected officials, appointees and employees of the Township of Frelinghuysen, effective April 1, 2016 shall be as follows: DPW FOREMAN-\$28.50 per hour BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon publication and final adoption pursuant to law. NOTICE Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Frelinghuysen Township Committee held on April 20, 2016 and will be considered for final reading and adoption at a meeting of the Mayor and Township Committee to be held on May 18, 2016 at the Municipal Building, 210 Main Street, Johnsonburg, New Jersey at which time and place all interested parties may appear for or against the passage of said Ordinance. Motion was made by Mr. Desiderio seconded by Mr. DeCarolis. Roll call vote: Mr. Desiderio-Yes; Mr. DeCarolis-Yes; Mr. Stracco-Yes.

**RESOLUTIONS:**

**#2016-39 WHEREAS**, N.J.S.A.40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and, **WHEREAS**, N.J.A.C.5:30-7 was adopted by the Local Finance Board on February 11, 1997; and, **WHEREAS**, pursuant to N.J.A.C.5:30-7.2 thru 7.5 the Township of Frelinghuysen has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Frelinghuysen meets the necessary conditions to participate in the program for the 2016 budget year, so now therefore, **BE IT RESOLVED**, by the Township Committee of the Township of Frelinghuysen that in accordance with N.J.A.C.5:30-7.6a & b, and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A.40A:45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement and content as required by the Local Budget Law and N.J.A.C.5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated;
  - b. Items of appropriation are properly set forth;
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A.40A:4-5, shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled. **BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services. Motion: Mr. Desiderio Second: Mr. DeCarolis Committee Polled: Mr. DeCarolis – Yes; Mr. Desiderio – Yes; Mr. Stracco – Yes **CERTIFICATION** It is hereby certified that this is a true and accurate copy of a Resolution adopted by the governing body of the Township of Frelinghuysen at a meeting held on April 20, 2016. Witness my hand and the SEAL of the Township of Frelinghuysen. Donna Zilberfarb Acting Municipal Clerk **Certification of Approved Budget** It is hereby certified that the Approved Budget complies with the requirements of the law and approval is given pursuant to N.J.S.A.40A:4-78(b) and NJAC 5:30-7. It is further certified that the municipality has met the eligibility requirements of NJAC 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination

in compliance with NJAC 5:30-7.6. Dated: April 20, 2016 BY: Danette Dyer Chief Financial Officer. Resolutions 2016-39 through 2016-44 were approved on a motion for consent agenda by Mr. Desiderio, seconded by Mr. DeCarolis. All were in favor. Vote was 3-0.

**#2016-40 RESOLUTION TO APPOINT DPW Foreman** WHEREAS, a vacancy exists in the position of DPW Foreman; and WHEREAS, Daniel Harman has the qualifications to service as the DPW Foreman. NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, that Daniel Harman is hereby appointed as the DPW Foreman commencing April 1, 2016; and BE IT FURTHER RESOLVED, that subject to proper and valid appropriation of the funds for same, Daniel Harman shall be paid the rate of \$28.50 per hour. This Resolution shall take effect according to law. Resolutions 2016-39 through 2016-44 were approved on a motion for consent agenda by Mr. Desiderio, seconded by Mr. DeCarolis. All were in favor. Vote was 3-0.

RESOLUTION #2016 - 41 WHEREAS, Joe Campolo acquired a lien against **Block 602, Lot 2.01** at the Tax Sale held **December 16<sup>th</sup>, 2015 (Certificate #2015-02)**. **Philip & Antonina**, the owners of said property have paid the amount to redeem the lien. NOW, THEREFORE BE IT RESOLVED that the Township Treasurer is hereby authorized to issue a check in the amount of **\$ 12,268.72** to Joe Campolo. I hereby certify the foregoing to be true and accurate copy of a resolution adopted by the Township Committee at its' meeting held April 20<sup>th</sup>, 2016. **\*\* Tax Sale Premium** in the amount of **\$ 15,500.00** must also be refunded. Resolutions 2016-39 through 2016-44 were approved on a motion for consent agenda by Mr. Desiderio, seconded by Mr. DeCarolis. All were in favor. Vote was 3-0.

**#2016-42 GRANT AGREEMENT BETWEEN TOWNSHIP OF FRELINGHUYSEN AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION** The governing body of Frelinghuysen Township desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$25,000.00 to fund the following project: Hazard mitigation / CSIP #8 Tree Maintenance and Removals; Therefore, the governing body resolves that Wendy Buttgerit or the successor to the office of Community Forestry Coordinator is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$25,000.00 and not more than \$25,000.00, and (c) any amendments thereto which do not increase the Grantee's obligations. The Frelinghuysen Township Committee authorizes and hereby agrees to match \_\_\_\_\_% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. \_\_\_\_\_% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).\* The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement. Introduced and passed April 20, 2016 Ayes: 3 Noes: 0 Absent: 2  
*\* The portion of this form between the asterisk should only be completed if matching funds are required under the terms of the agreement. Where in-kind services are allowed and are stipulated by the Grantee, an attachment must be provided and appended hereto, breaking out the in-kind services to be provided by the Grantee.* CERTIFICATION I, Donna Zilberfarb, Acting Municipal Clerk, of Frelinghuysen Township certify that this Resolution was duly adopted by the Frelinghuysen Township Committee at a meeting duly held on the 20<sup>th</sup> day of April, 2016; that this resolution has not been amended or repealed; and that it remains in full force and effect on the date I have subscribed my signature. **\*\***  
*\* Certification must be signed by an official other than the individual authorized to execute the agreement. \*\* This date must be no more than sixty (60) days prior to the Grantee's execution, Grantee must submit a currently certified copy of this Attachment E when it returns the executed agreement to the Department.* Resolutions 2016-39 through 2016-44 were approved on a motion for consent agenda by Mr. Desiderio, seconded by Mr. DeCarolis. All were in favor. Vote was 3-0.

**#2016-43 RESOLUTION APPROVING THE ISSUANCE OF RAFFLE LICENSE FOR FRELINGHUYSEN TOWNSHIP BOOSTER CLUB** WHEREAS, the Frelinghuysen Township Booster Club has applied for a raffle license to conduct an Off-premises 50/50 raffle for June 4, 2016 consisting of application #2016-03; and WHEREAS, the Findings and Determination by the Acting Municipal Clerk has determined that the organization is qualified to conduct such raffle. NOW, THEREFORE BE IT RESOLVED, by the Mayor

and Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey that the Frelinghuysen Township School PTO raffle application #2016-03 are hereby approved. Resolutions 2016-39 through 2016-44 were approved on a motion for consent agenda by Mr. Desiderio, seconded by Mr. DeCarolis. All were in favor. Vote was 3-0.

#2016-44 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF APRIL 2016 WHEREAS, the Finance Committee of the Township of Frelinghuysen have reviewed the bills submitted by the Municipal Clerk to the Frelinghuysen Township Committee for the month of APRIL 2016; and WHEREAS, the Finance Committee find the bills to be in order and recommend to the Township Committee that they be paid by the Chief Finance Officer. NOW, THEREFORE BE IT RESOLVED, by the Frelinghuysen Township Committee that all bills submitted for the above named month are reasonable and proper and are to be paid from their appropriate account. Resolutions 2016-39 through 2016-44 were approved on a motion for consent agenda by Mr. Desiderio, seconded by Mr. DeCarolis. All were in favor. Vote was 3-0.

#2016-45 **ALLOCATING ADDITIONAL FUNDING FOR AMENDED SHARED SERVICES AGREEMENT FOR MOUNT LAUREL LITIGATION** WHEREAS, the Township of Frelinghuysen previously entered into a Municipal Shared Services Defense Agreement ("MSSDA") for the purpose of retaining a common expert in the Declaratory Judgment action ("Litigation") that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Committee on Affordable Housing, 221 N.J. 1 (2015) ("Decision"); and WHEREAS, the initial cost to participate in the MSSDA was \$2,000; and WHEREAS, pursuant to the terms of the Resolution authorizing the Township's entry into the MSSDA, the Township of Frelinghuysen shall only be responsible for additional funding if it authorizes same; and WHEREAS, Jeffrey R. Surenian, Esq. has requested that each participating municipality contribute an additional \$2,000 to continue to fund the ongoing litigation with the Fair Share Housing Center and the New Jersey Builder's Association; and WHEREAS, the Township Attorney has recommended that the Township of Frelinghuysen continue its participation in MSSDA and authorize the additional contribution of \$2,000; and WHEREAS, the Mayor and Committee concur with the recommendation of the Township Attorney. NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Frelinghuysen, that the Chief Financial Officer/Treasurer is authorized to appropriate an additional \$2,000 in funding for the Municipal Shared Services Defense Agreement for the purpose of retaining a common expert in the Declaratory Judgment action ("Litigation") that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Committee on Affordable Housing, 221 N.J. 1 (2015). BE IT FURTHER RESOLVED, that no additional funding shall be provided unless specifically authorized by the Mayor and Committee. I, Donna Zilberfarb, Acting Clerk of the Township of Frelinghuysen, in the County of Warren, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Mayor and Committee at a meeting held on April 20, 2016. Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis. All were in favor. 3-0

#### **OLD BUSINESS:**

DPW report – Ms. Zilberfarb informed the committee and public of all that is going on within the dpw. After discussion regarding the fire truck and ship on the playground, Mr. DeCarolis will donate a dumpster and Ms. Zilberfarb will contact him when it is needed and when work is completed for the removal of the dumpster. Mr. DeCarolis will also look into some debris near the salt shed that needs to be removed. Nicholas Pittala will start on April 19<sup>th</sup> at a rate of \$14.00 per hour and will work a maximum of 28 hours per week. Jamie DePuy will be hired on a part time basis, as needed, at \$14.00 per hour for flagging and misc other duties when needed.

Mr. Kuhn sent a letter to the New Jersey State DOT regarding the school bus stop sign for Route 94 by Muller Road. Waiting to hear back from the DOT.

June 6-11, 2016 will be clean up week for the Township.

Mr. Connor updated the committee on FFP (Kids Camp), still have plumbing issues, new doors were installed but do not close tightly, and fire extinguishers need to be updated. Also discussed cleaning and polishing the floors and asked for volunteers, he has also received a quote of \$900.00 to do all floors. Mr. Desiderio inquired on the itemized bill for plumbing. Mr. DeCarolis suggested reaching out to local plumbers with

a list of things needed and to get estimates. Mr. Connor will bring estimates to the next meeting. Mr. Connor also discussed the septic system needing to be checked prior to opening the building. Mr. Desiderio and Mr. Connor will handle. Also discussed were fire extinguishers that could be purchased via amazon for \$45.00 each.

Mr. DeCarolis made a motion to purchase 4 fire extinguishers at approximately \$200.00, seconded by Mr. Desiderio. All were in favor.

Mr. Connor also mentioned the mowing of the property. After discussion, Mr. Desiderio will reach out to Mr. Marra to see if he is interested in mowing and Mr. Desiderio will use his trailer to move the town mower to/from the property.

Mr. DeCarolis made a motion to authorize Mr. Desiderio to procure with Charlie Marra for mowing FFP/Kids Camp to be paid out of open space funds, seconded by Mr. Desiderio. All were in favor.

Service Electric Cable for Saddle Ridge Road was mentioned and Mr. Wacks will have a letter sent to the cable company discussing this issue.

### **NEW BUSINESS:**

Trooper Michael Butler of the NJ State Police reported no accidents or burglaries within Frelinghuysen Township. He stated that if any issues arise within the town to let him know. Speed enforcement was mentioned by Mr. Desiderio along the township roadways. Trooper Butler agreed and there will be more enforcement.

Resident, Carol Basilicato, spoke regarding the old mill located on the corner of Mill Road and Main Street. Ms. Basilicato's main concern is that it will fall down and she asked when it will be fixed. Mr. DeCarolis recommended sending a letter to the construction official, Richard O'Conner. Ms. Zilberfarb will discuss with Mr. O'Conner.

Motion was made by Mr. Desiderio to have Richard O'Conner go and look at the Mill to determine if there is structural damage, seconded by Mr. DeCarolis. All in favor - aye.

Ms. Basilicato also mentioned a tree that fell in a front yard and questioned the amount of feet that the town has to remove such. Mr. Wacks explained the legality of the problem and anything on private property the township cannot move.

The County Senior Citizen Award was discussed. Motion was made by Mr. DeCarolis to authorize Mayor Kuhn to submit the application, seconded by Mr. Desiderio. All in favor - aye.

Nominations for the Community Service Award should be ready for the May 18th meeting for discussion.

Mr. Desiderio discussed the mid-season softball tournament at the field of dreams in Independence and that Frelinghuysen will be sponsoring it this year. Mr. Desiderio reached out to the insurance company and there is no additional cost to the township. He explained that the championship game will be held on our fields in Frelinghuysen.

An anonymous complaint was made. After discussion it was determined to have the Mayor look into it with Mr. Boesze in Zoning as the complaint came directly to the Mayor.

### **OPEN MEETING TO THE PUBLIC:**

Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis to open meeting to the public. All were in favor. Spoke were:

Mr. Tudor stated that after 14 meetings that he has come to, this meeting with these 3 gentleman has been a high class meeting.

Ms. Natyzak clarified that the building on Mill Road is not a barn and that it is an old mill and she has also been in contact with the homeowner.

Motion was made by Mr. DeCarolis, seconded by Mr. Desiderio to close meeting to the public. All were in favor.

**DEPARTMENT REPORTS:**

Motion was made by Mr. Desiderio for the consent agenda for department reports 1-10, seconded by Mr. DeCarolus. All were in favor.

**Legal Report:** Nothing to report at this time.

**OEM report:** Nothing to report at this time.

**Recreation report:** Mr. Desiderio reported that casino night is this Saturday. He also asked Mr. DeCarolus if he took down his own sign as it is missing. Baseball and softball are going good.

**Environmental report:** Nothing to report at this time.

**Farmland Preservation report:** Nothing to report at this time.

**Open Space report:** Nothing to report at this time.

**Mayor report:** Not in attendance.

**Deputy Mayor Report:** Discussed potential cable for Saddle Ridge Road and that the Clean Communities sign needs to be replaced on Route 612.

**Committeeman Desiderio report:** Nothing to report at this time.

**Committeeman Boynton report:** Not in attendance.

**Clerks report:** Ms. Zilberfarb informed everyone the ballot draw results for the primary election. The ballot will be listed as follows: 1. Alan DeCarolus, 2. Debra Natyzak-Oscada, 3. Charles Marra, 4. Frank Desiderio. She also discussed training for Register Ready - and it was agreed that if OEM couldn't attend then Ms. Zilberfarb would. Ms. Zilberfarb inquired if the voucher for Howard the House Doctor should be paid or if it should be held. After discussion, Mr. Connor will speak to Howard and have him come back to fix the door. The check can be mailed out now.

**CORRESPONDENCE FOR MEETING OF APRIL 20, 2016**

**New Jersey Legislature** – Meeting on Friday, April 8, 2016 held at the Hardwick municipal building.

**State of New Jersey Department of Community Affairs** – Life Hazard use certificate of registration

**Board of Chosen Freeholders of the County of Warren** – Notice of Hazardous condition – Route 661 @ NJDOT Railway Tunnel

**Warren County Planning Department** – New cutoff dates for submission to County planning board

**Warren County Mosquito Control Commission** – Packet for adult mosquito control program.

**SBA Disaster News** – Disaster loans for new sandy declaration

**Hope Township** – Green Fair – Saturday April 9<sup>th</sup> at the Hope Municipal Building

**Blairstown Hose Company #1** – February 2016 Fire Report

**Statewide Insurance Fund** – Cyber security risk initiative

**Wacks, Beilin & Weber, Attorneys at Law** – Docket Nol. L-231-15

**ADJOURNMENT:**

There being no further business, motion was made by Mr. Desiderio, seconded by Mr. DeCarolus to adjourn the meeting at 8:50 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, Acting Township Clerk